

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

DANIEL F. SLONAKER,  
  
Plaintiff,

v. Civil Action No. 2:18-cv-01173

JEAN KENNEDY, D.D.S., TAMI  
MCGRAW, PAM GIVENS, SANDRA  
MAY, DANIEL CONN, BETSY  
JIVIDEN, and DONNIE AMES,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending are (1) the motion to dismiss filed by defendants Sandra May, Jean Kennedy, D.D.S., and Pam Givens; (2) the motion to dismiss filed by defendant Daniel Conn; and (3) the motion to dismiss filed by defendant Tami McGraw.

This matter having been referred to United States Magistrate Judge Dwane L. Tinsley pursuant to 28 U.S.C. § 636(b)(1)(B), he filed his Proposed Findings and Recommendation ("PF&R") on November 7, 2019. Magistrate Judge Tinsley recommends that the court grant plaintiff's request for voluntary dismissal of defendant Givens, dismiss defendant Givens pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, and deny as moot defendant

Givens' motion to dismiss. The magistrate judge further recommends that the court grant the motions to dismiss filed by defendants Conn and McGraw and that the court grant the motion to dismiss with respect to defendant May, but deny the same with respect to defendant Kennedy.

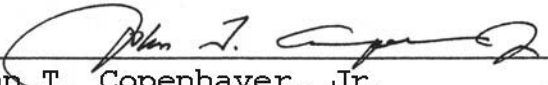
No objections having been filed to the PF&R, the parties have waived de novo review by this court. Accordingly, it is ORDERED as follows:

1. That the PF&R be, and it hereby is, adopted and incorporated in full herein.
2. That plaintiff's request for voluntary dismissal of defendant Givens be, and it hereby is, granted. It is further ordered that defendant Givens' motion to dismiss is denied as moot.
3. That the motions to dismiss by defendants Conn and McGraw be, and they hereby are, granted.
4. That the motion to dismiss by defendants May and Kennedy be, and it hereby is, granted with respect to defendant May, but denied with respect to defendant Kennedy.

5. That defendants Givens, Conn, McGraw, and May be, and they hereby are, dismissed from this action.

The matter continues to be referred to Magistrate Judge Tinsley for further proceedings as to defendants Jean Kennedy, D.D.S., Betsy Jividen, and Donnie Ames. The Clerk is directed to forward copies of this written opinion and order to the plaintiff, all counsel of record, and the United States Magistrate Judge Dwane L. Tinsley.

ENTER: December 4, 2019

  
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John T. Copenhaver, Jr.  
Senior United States District Judge